XI-HC—78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक TP(CR) 6/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

CR. TR. PETITION NO.06/2007

Applicant Nitesh Kumar Jain, S/o Moti Lal Jain, aged about 21 years, R/o Qtr. No.16-B, State No.16, Sector-2, Bhilai

Vs

Respondent State of Chhattisgarh, Through: P.S. Bhanupratappur, Distt. Kanker (C.G.)

Present:

Mr. Vivek Sharma, Advocate for the applicant.

Mr. G.K. Beriwal, Dy. Adv. General for the respondent/State

ORAL ORDER

(21st August, 2007)

Per Dhirendra Mishra, J:

The applicant, who is facing prosecution under Sections 363 & 366 of the IPC in the Court of Sessions Judge, Kanker, has preferred this application for transferring the Sessions Trial No.118/07 from the Court of Sessions Judge, Kanker to any other Court on the ground that the complainant party had manhandled with the applicant on 13.5.2005 at Bhanupratappur while he was in custody and on the complaint of the applicant offence has been registered against the relatives of the prosecutrix.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

From perusal of the record annexed with this transfer petition it appears that apprehension of the applicant is that the complainant party reside at Bhanupratappur and therefore, he may not be able to defend his case properly, as he apprehends threats from the complainant party. However, from perusal of the order sheets dated 3.1.2007 & 12.1.2007 it is evident that the case has already been committed to the Court of Sessions Judge, Kanker and the trial is going on in that Court and therefore, no ground is available to the applicant to seek transfer of the case in the changed circumstances after committal of the case from the court of Judicial Magistrate 1st Class to the court of Sessions Judge, Kanker.

However, taking into consideration the apprehension expressed by the applicant in this petition, the applicant is permitted to move suitable application before the Sessions Judge, Kanker in case he apprehends that any problem in appearing during trial and on such application being filed, the same shall be properly considered by the Sessions Judge and necessary arrangements shall be made for providing protection to the applicant.

With the aforesaid directions, the petition stands disposed of.

Consequently, all the pending applications also stand disposed of.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246--2/2007 — 50,000.